

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the First Amended )  
Accusation Against: )**

**Hsinju Ruby Gatschet, M.D. )**

**Case No. 800-2016-022506**

**Physician's and Surgeon's )  
Certificate No. A 106886 )**

**Respondent )**

**DECISION**

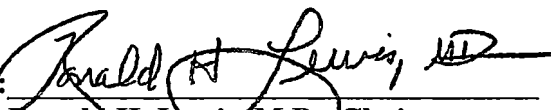
The Stipulated Settlement and Disciplinary Order in the above-entitled matter is attached hereto. On the Medical Board of California's own motion, said Decision is hereby amended to correct a clerical error so that each reference to "Accusation" is stricken and replaced with "First Amended Accusation." Further in paragraph 4 of the Stipulated Settlement and Disciplinary Order the date of "October 2, 2018," is stricken and replaced with "March 25, 2019," the date the First Amended Accusation was filed.

The Stipulated Settlement and Disciplinary Order as amended is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 21, 2019.

IT IS SO ORDERED May 22, 2019.

**MEDICAL BOARD OF CALIFORNIA**

By:   
\_\_\_\_\_  
Ronald H. Lewis, M.D., Chair  
Panel A

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 LAWRENCE MERCER  
Deputy Attorney General  
4 State Bar No. 111898  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
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Attorneys for Complainant  
7

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **Hsinju Ruby Gatschet, M.D.**  
7551 Timberlake Way, Suite 230  
13 Sacramento, CA 95823-5420

14 Physician's and Surgeon's Certificate No. A 106886,

15 Respondent

Case No. 800-2016-022506

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16  
17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
20 of California. She brought this action solely in her official capacity and is represented in this  
21 matter by Xavier Becerra, Attorney General of the State of California, by Lawrence Mercer.

22 2. Respondent Hsinju Ruby Gatschet, M.D. (Respondent) is represented in this matter  
23 by her attorneys Dominique Pollara and Pollara Law Group, 3600 American River Drive, Suite  
24 160, Sacramento, CA 95864.  
25

26 3. On or about March 6, 2009, the Medical Board of California issued Physician's and  
27 Surgeon's Certificate Number A106886 to Hsinju Ruby Gatschet, M.D. The Physician's and  
28

1 Surgeon's certificate was in full force and effect at all times relevant to the charges brought herein  
2 and will expire on July 30, 2020, unless renewed.

3 **JURISDICTION**

4 4. On October 2, 2018, Complainant Kimberly Kirchmeyer, in her official capacity as  
5 the Executive Director of the Board, filed Accusation No. 800-2016-022506 (Accusation) against  
6 Respondent. The Accusation was duly served upon Respondent and she timely filed a Notice of  
7 Defense. A copy of the Accusation is attached hereto as Exhibit A.

8 **ADVISEMENT AND WAIVERS**

9  
10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Accusation No. 800-2016-022506.

12 6. Respondent has carefully read and fully understands the contents, force and effect of  
13 this Stipulated Settlement and Disciplinary Order, and has fully reviewed and discussed same  
14 with her attorney of record.

15 7. Respondent is fully aware of her legal rights in this matter including her right to a  
16 hearing on the charges and allegations contained in Accusation No. 800-2016-022506, her right to  
17 present witnesses and evidence and to testify on her own behalf, her right to confront and cross-  
18 examine all witnesses testifying against her, her right to the issuance of subpoenas to compel the  
19 attendance of witnesses and the production of documents, her right to reconsideration and court  
20 review of an adverse decision, and all other rights accorded her pursuant to the California  
21 Administrative Procedure Act, the California Code of Civil Procedure, and all other applicable  
22 laws, having been fully advised of same by her attorney of record. Respondent, having the  
23 benefit of counsel hereby knowingly, intelligently, freely and voluntarily waives and gives up  
24 each and every one of the rights set forth and/or referenced above.  
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27  
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CULPABILITY

8. Respondent agrees that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-2016-022506 and that she has thereby subjected her Physician's and Surgeon's Certificate to disciplinary action. Respondent further agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

9. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

10. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including electronic PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

11. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

**DISCIPLINARY ORDER**

**A. PUBLIC REPRIMAND**

**IT IS HEREBY ORDERED:** that Physician's and Surgeon's Certificate No. A106886 issued to Respondent Hsinju Ruby Gatschet, M.D., shall be and is hereby publicly reprimanded pursuant to California Business and Professions Code § 2227(a)(4). This Public Reprimand, which is issued in connection with Respondent's actions as set forth in Accusation No. 800-2016-022506, is as follows:

On September 30, 2014, you performed a diagnostic laparoscopy and excision of a mesenteric mass. During the procedure, you encountered bleeding, which you addressed with a 10 mm clip applier, and then acute ischemia to the adnexal structure, which you addressed with a right salpingo-oophorectomy. Post-procedure, the patient reported pain, weakness and numbness to the right leg. Although you appropriately ordered a CT angiogram, you did not follow up to assure it was performed on the same day or sent the patient directly to an Emergency Department. As a consequence, there was a delay in diagnosis and surgical repair of the obstructed right external iliac artery.

**B. EDUCATION COURSE:** Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 25 hours. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified and shall include: Recognition and management of surgical and post-surgical complications. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. CME taken after this Stipulation is signed but before the effective date of the Decision will be accepted toward fulfillment of this condition, if the course would have been approved by the Board or its designee had the courses been taken after the effective date of the Decision. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of

1 attendance for 50 hours of CME of which 25 hours were in satisfaction of this condition.

2 In consideration for her agreement to complete the education course, as set forth above,

3 Respondent shall be publicly reprimanded as set forth in the public letter of reprimand, as set  
4 forth above in Paragraph 11(A).

5 Respondent understands that failure to submit and/or complete the education course, as set  
6 forth above, would constitute unprofessional conduct and grounds for further disciplinary action.

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ACCEPTANCE

I, HSINJU RUBY GATSCHET, M.D., have carefully read this Stipulated Settlement and Disciplinary Order and, having the benefit of counsel, enter into it freely, voluntarily, intelligently and with full knowledge of its force and effect on my Physician's and Surgeon's Certificate No. A106886. I fully understand that, after signing this stipulation, I may not withdraw from it, that it shall be submitted to the Medical Board of California for its consideration, and that the Board shall have a reasonable period of time to consider and act on this stipulation after receiving it. By entering into this stipulation, I fully understand that, upon formal acceptance by the Board, I shall receive this Public Reprimand from the Board and shall be required to comply with the terms and conditions of the Disciplinary Order set forth above. I also fully understand that any failure to comply with the terms and conditions of the Disciplinary Order set forth above shall constitute unprofessional conduct and that my Physician's and Surgeon's Certificate No. A106886 will be subject to further disciplinary action.

Dated: 4/9/19

  
HSINJU RUBY GATSCHET, M.D.

I have read and fully discussed with Respondent HSINJU RUBY GATSCHET, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

Dated: 4/9/19

POLLARA LAW GROUP

  
DOMINIQUE A. POLLARA

Attorneys for Respondent

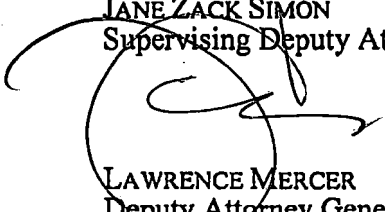
**ENDORSEMENT**

The foregoing Stipulation is respectfully submitted for consideration by the Medical Board  
of California, Department of Consumer Affairs.

Dated: 4/11/2019

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JANE ZACK SIMON  
Supervising Deputy Attorney General

  
LAWRENCE MERCER  
Deputy Attorney General  
*Attorneys for Complainant*

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Rev. Stipulation.docx



**EXHIBIT A**  
**FIRST AMENDED ACCUSATION**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 LAWRENCE MERCER  
Deputy Attorney General  
4 State Bar No. 111898  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3488  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO MARCH 25, 2019  
BY 20. C. W. AS ANALYST

7 **BEFORE THE**  
8 **MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation  
Against:

Case No. 800-2016-022506

12 **Hsinju Ruby Gatschet, M.D.**  
7551 Timberlake Way, Suite 230  
Sacramento, CA 95823-5420

**FIRST AMENDED ACCUSATION**

13 Physician's and Surgeon's Certificate No. A 106886,

14 Respondent.

15 Complainant alleges:

16 **PARTIES**

17  
18 1. Kimberly Kirchmeyer (Complainant) brings this First Amended Accusation solely in  
19 her official capacity as the Executive Director of the Medical Board of California, Department of  
20 Consumer Affairs (Board).

21 2. On or about March 6, 2009, the Medical Board issued Physician's and Surgeon's  
22 Certificate Number A 106886 to Hsinju Ruby Gatschet, M.D. (Respondent). The Physician's and  
23 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on July 31, 2020, unless renewed.  
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26 ///

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## JURISDICTION

3. This First Amended Accusation is brought before the Board, under the authority of the following laws: All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code, in pertinent part, states:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"... (b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care."

6. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

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**CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct, Gross Negligence, Repeated Negligent Acts)**

7. Respondent Hsinju Ruby Gatschet, M.D. is subject to disciplinary action under section 2234 and/or 2234(b) and/or 2234(c) in that Respondent engaged in unprofessional conduct and/or gross negligence and/or repeated negligent acts in her care and treatment of Patient 1.<sup>1</sup> The circumstances are as follows:

8. On or about July 30, 2014, Patient 1, a 50-year old female, came under Respondent's care for evaluation and treatment of an abdominal mass. In April, 2014, the patient had gone to the Emergency Department with complaints of chest pain, at which time a mesenteric mass was found on CT scan. A colonoscopy was performed, but was essentially normal. Respondent obtained a history of abdominal pain and cramping for one year, which had worsened in the last two months. Respondent also learned that the patient had a surgical history that included a total abdominal hysterectomy. Respondent's assessment was mesenteric mass of unknown etiology. She ordered an octreotide scan as well as a CT-guided biopsy of the patient's mesenteric mass.

9. The patient returned to see Respondent on September 12, 2014. The octreotide scan had been reported as negative and the CT-guided biopsy could not be performed as the mass was not CT-accessible for biopsy. Respondent discussed the risks, benefits and alternatives of laparoscopic mesenteric mass excision, with possible bowel resection and the patient agreed to those procedures.

10. On September 30, 2014, after informed consent was obtained, Respondent performed a diagnostic laparoscopy. Initially, she did not see any abnormalities of the mesentery or the abdominal wall anterior to the colon. Then she turned her attention to the right lower quadrant and found what appeared to be a fibrotic mass next to the adnexal structures and she dissected the mass from the surrounding structures. A blood vessel was encountered during dissection and Respondent reported addressing the bleed with a 10 mm clip applier. When she turned her attention back to the adnexal structures, she found the right fallopian tube appeared to be dusky. Respondent contacted the on-call OB/GYN about the acute ischemia to the right fallopian tube.

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<sup>1</sup> Patient names are redacted to protect privacy.

1 The on-call OB/GYN surgeon advised that she could not come to the OR to see the patient, but  
2 recommended removal of the right fallopian tube as well as the ovary. Respondent did not  
3 investigate possible causes (including inadvertent injury to a vascular structure) for the acute  
4 ischemia; instead, she proceeded with performance of a right salpingo-oophorectomy.

5 11. On October 1, 2014, Patient 1 called Respondent's office in the morning and reported  
6 she was experiencing pain, numbness and weakness in her right leg. Respondent contacted the  
7 patient and told her that Respondent would order a stat CT angiogram (CTA) to determine what  
8 was going on. Respondent did not tell the patient to go to the Emergency Department (ED). The  
9 office staff arranged for a CTA, but it was scheduled for the following morning rather than the  
10 same day.

11 12. On October 2, 2014, at 10:12 a.m., a CTA was performed. A report, which was timed  
12 at 12:10 p.m., reported that the right external iliac artery was occluded in the area where the  
13 mesenteric mass had been resected and surgical clips were present. The results were discussed  
14 with the physician who had assisted Respondent with the laparoscopy and he in turn reported  
15 them to Respondent. At that time, she contacted the patient and told her to proceed to a local ED.

16 13. On October 2, 2014, Patient 1 was seen in the ED by a vascular surgeon for the acute  
17 ischemia to her right leg. Her symptoms were reported as severe, with decreased sensitivity and  
18 motor function in her right foot. The surgeon advised that immediate surgery was necessary to  
19 avoid any further loss of her motor and sensory function. A surgical repair of the external iliac  
20 artery was performed the same day. The operative report stated that: "The external iliac artery  
21 was obviously clipped a few times and then completely transected and that had completely  
22 thrombosed both for [sic] the proximal and distal ends." The external iliac artery was repaired at  
23 that time, and on October 3, 2014, the patient underwent a second procedure, a  
24 thromboembolectomy, to address occlusion of the popliteal artery that resulted from the traumatic  
25 injury to the right external iliac artery.

26 14. Respondent is guilty of unprofessional conduct and Respondent's certificate is subject  
27 to discipline pursuant to Business and Professions Code sections 2234 and/or 2234(b) and/or  
28 2234(c) based on her gross negligence and/or repeated negligent acts, including but not limited to:


- 1 A. After encountering bleeding during the resection and then acute ischemia to the adjacent  
2 adnexal structure, Respondent should have suspected and/or investigated the possibility  
3 of inadvertent injury to an adjacent vascular structure;  
4 B. After learning that the patient had reported acute complaints of pain, numbness and  
5 weakness to the right leg, Respondent failed to assure that a stat CTA was accomplished  
6 the same day and/or failed to advise the patient to go to the ED right away and/or failed  
7 to follow up with the patient later that same day.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Medical Board of California issue a decision:

- 11 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 106886,  
12 issued to Respondent;  
13 2. Revoking, suspending or denying approval of Respondent's authority to supervise  
14 physician assistants and advanced practice nurses;  
15 3. Ordering Respondent, if placed on probation, to pay the Board the costs of probation  
16 monitoring; and  
17 4. Taking such other and further action as deemed necessary and proper.

18  
19 DATED: March 25, 2019

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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